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ORIGINAL ORIGINAL

v.

IN THE UNITED STATES DISTRICT COURT THERNDISTRICT OF TEXAS

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

MICHAEL L. FOGARTY, DOROTHY E. § FOGARTY, AND APRIL M. C. FOGARTY, §

Plaintiffs,

Flaimuiis,

USA TRUCK, INC., ERIC MCCONNELL Insurance Risk Manager, MARC T. LEVIN, Esq., and DAVID ALBERT COLECCHIA Esq.

Defendants.

Civil Action No. 3:05-CV-1783-M

ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

§ § §

The Court has under consideration the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated December 9, 2005. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

SO ORDERED this 6 day of mel, 2006

BARBARA M. G. LYNN

UNITED STATES DISTRICT JUDGE